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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 24th May, 1972:—

BILL NO. 53 OF 1972

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Thirtieth Amendment) Act, 1972.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 133.

2. In article 133 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

"(1) An appeal shall lie to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court in the territory of India if the High Court certifies—

(*a*) that the case involves a substantial question of law of general importance; and

(*b*) that in the opinion of the High Court the said question needs to be decided by the Supreme Court.".

Special provision as to pending proceedings etc.

3. (*1*) Nothing in this Act shall affect—

(*a*) any appeal under sub-clause (*a*) or sub-clause (*b*) or sub-clause (*c*) of clause (1) of article 133 of the Constitution which immediately before the commencement of this Act was pending before the Supreme Court; or

(*b*) any appeal preferred on or after the commencement of this Act against any judgment, decree or final order in a civil proceeding of a High Court by virtue of a certificate given by the High Court before the commencement of this Act under sub-clause (*a*) or sub-clause (*b*) or sub-clause (*c*) of clause (1) of article 133;

and every such appeal may be heard and disposed of or, as the case may be, entertained, heard and disposed of by the Supreme Court as if this Act had not been passed.

(*2*) Subject to the provisions of sub-section (*1*), no appeal shall lie to the Supreme Court under clause (1) of article 133 of the Constitution from any judgment, decree or final order arising out of a suit or other civil proceeding which was instituted or commenced in any court before the commencement of this Act unless such appeal satisfies the provisions of that clause as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to give effect to the recommendations of the Law Commission of India in its Forty-fourth and Forty-fifth Reports on Civil Appeals to the Supreme Court on certificate of fitness. At present an appeal lies to the Supreme Court, *inter alia*, on a certificate given by a High Court that the amount or the value of the subject-matter of dispute is not less than twenty thousand rupees or that the judgment, decree or final order involves, directly or indirectly, some claim or question respecting property of the like amount. The valuation cannot be the rational yardstick for a right to appeal. An important question of law can arise even in suits of small value and the test of valuation results in cases without merit going up to the Supreme Court. The Law Commission recommended that clauses (a) and (b) of article 133(1) of the Constitution should be omitted and that an appeal should lie to the Supreme Court only if the High Court certifies that the case involves a substantial question of law of general importance and that in the opinion of the High Court the said question needs to be decided by the Supreme Court. The amendment of the article accordingly would curtail the number of appeals which are filed in the Supreme Court merely on the valuation test being satisfied, without any merit in them. The Bill seeks to achieve this object.

NEW DELHI;
The 8th May, 1972.

H. R. GOKHALE.

S. L. SHAKDHER,
Secretary.

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